



Town of Pepperell
BOARD OF APPEALS
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Zoning Board of Appeals Meeting Minutes of January 16, 2008

PRESENT: Thomas McGrath, Sherrill Rosoff, Annette McLean, and Cheryl Lutcza (ZBA Assistant). Also present, Town Counsel, Edward J. Richardson.

7:00 P.M. Chairman convenes the hearing. First agenda item is a continuation hearing, which was previously opened on October 25, 2007, regarding an application submitted by Verizon Wireless. In connection with its proposal to install and operate a Wireless Communications Facility on the subject property (subject to special permit approval of the Planning Board), a Zoning Board of Appeals application has been submitted by Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, on behalf of itself and for Sprint Spectrum, L.P., d/b/a/ Sprint PCS, requesting relief in the form of variances, to the extent required, from the following provisions of the Zoning By-laws: (1) Section 4140, minimum lot area and lot frontage; and (2) Section 4411, to allow an accessory structure to be located within the front yard setback area; and such other relief as may be required in the view of the Board, for the property located at 104A Townsend Street, Pepperell, MA, in the ownership of Town of Pepperell/Water Department, as shown on Assessor's Map33 as Parcel 8.

Chairman announces that the Board is in receipt of a letter, dated January 15, 2008, from Attorney Timothy Twardowski of Robinson & Cole, L.L.P., who is representing the Applicant, in which they Applicant requests that the that the Board continue the hearing to a "date uncertain." Chairman signed the continuation letter, which will also serve as an Extension Agreement. The matter will be continued to a date to be determined in the future. Applicant agreed in the Extension Agreement to pay the cost of the re-advertising of the Notice of Public Hearing and also the postage costs for re-notification to the Parties in Interest on the Certified List of Abutters submitted with the application.

Annette McLean motioned to leave the record open and continue the hearing to, a date uncertain. Sherrill Rosoff seconds. All concur.

7:15P.M. Second Agenda item is regarding an application submitted by Jayron Realty, Inc., Kevin Slattery, President, seeking a 40B Comprehensive Permit under the Local Initiative Program, pursuant to M.G.L. Chapter 40B, to construct a subdivision consisting of 56 single-family homes, on a 41.26 acre parcel. All 56 units will be clustered on 13.5 acres, with the remaining acreage to be donated to the Town of Pepperell. Subject property is located at 196 Nashua Road, Pepperell, MA, as shown on Assessor's Map 6 as Parcel 7, Parcels 11-2 through 11-11, Parcel 11-13, and Parcel 19-0.

Clerk reads legal notice into the record.

Applicant Kevin Slattery and Dave Petropolis are present, and are being represented by Attorney Jay Talerman of Blatman, Bobrowski & Mead, L.L.C. of Millis, MA. Also present on the Applicant's behalf, is Joseph Peznola, P.E., Hancock Associates, Marlborough, MA.

Attorney Talerman addressed the Board and makes an introduction as follows:

- Gave an overview of current state of the property.
- Stated that the Applicant intends to donate close to 30 acres to the town for a proposed well site.
- Front part of property will consist of a modest home subdivision. With 3-bedroom homes to be marketed for around \$300,000. 25% of the homes would be even more affordable.
- Project is a L.I.P. that was proposed to the Town, and the Applicant worked with the Board of Selectmen over several months to develop a binding, multi-page agreement.

Joe Peznola, Hancock Associates, addressed the Board as follows:

- Gave a presentation of the site development.
- Has worked closely with DPW Director, Bob Lee.
- Proposed homes will have two and three bedrooms, with footprint being narrower and longer.
- Homes will be built with a one-car garage. There will be room on each lot for potential future expansion to a 2-car garage.
- Driveways will be 2-car widths.
- Each lot will have an individual septic system, with a septic tank, which will be located underneath the driveway.
- Roadways will be 24-feet wide.
- Waivers from Conservation Commission for 50-foot buffer zone for remedial work.
- Town Water will come from Chapman Lane and water would be sufficient for fire protection to homes.
- Will propose a buffer along the Hollis, NH line.
- Current structure on property could be used on Lot 1.

- Need to get Board of Health approval on septic systems.
- Notice of Intent with Conservation Commission for work in buffer zone.
- Need Nitrogen Aggregation Permit from DEP.
- There would be 44 units with 3 bedrooms.
- There would be 12 units with 2 bedrooms.
- Intend for roads to be public through street acceptance program.

Discussion ensued on the following items:

- There will be conventional septic systems with no mounds; septic systems will be underground.
- Nitrogen aggregation.
- State requirement for separation of septic and water main.
- Location of fire hydrants.
- Sidewalks will be located all the way around the property.

Clerk read responses from the following Town Boards/Departments and/or concerned parties into the record:

- Conservation Commission
- Water Department
- Planning Board
- Town Counsel

Chairman announced that the following people are present:

- Robert Hanson, Town Administrator
- Lyndon Johnson, Selectman
- Bob Lee, DPW Director

Robert Hanson, Town Administrator reads a letter of comment from the Board of Selectmen into the record.

Selectman, Lyndon Johnson addressed the Board as follows:

- He is excited about the project as both an official in the Town and as a parent.
- There will be 14 affordable units at about \$180,000 and the market rate homes will be around \$300,000.
- He has visited other projects of the developer. One in Hollis, NH (Summerfield Estates), which is a 55-plus project, which is of nice quality. Developer had a keen eye for detail and landscaping was very nicely done. Also visited another project done by the developer in Hudson, NH.
- Town will save a substantial amount of money on the well site.
- Project is located in the furthest part of town on the Hollis, NH line, with access to major route; there will be no major impact on town roadways.

- Project will be a cluster development with open space.
- Hopes that ZBA will support the project.

DPW Director, Bob Lee, addressed the Board as follows:

- DPW had given up hope on this site being a viable option for a municipal well.
- Developer would need to submit very detailed plans if roads are to be publicly accepted.
- Developer would need to submit complete, detailed construction drawings to be reviewed by DPW.
- Summarized his memo to the ZBA.

Board Member, Sherrill Rosoff, raised issue of pesticide and herbicide restrictions. Discussion ensued regarding this issue.

Discussion ensued on the following items:

- Snow management; would be done by Town when roads are accepted.
- Homeowners association would not be needed as there is no commonly owned area that will need to be managed.
- Fencing and landscaping.

Mr. Peznola submitted a letter to the Board, dated January 14, 2008, as a new exhibit.

Discussion ensued regarding the following:

- Heating systems.
- Underground utilities.

Applicant, Kevin Slattery, President, Etchstone Properties, addressed the Board as follows:

- Will try to provide gas service, however has not had discussion with National Grid about availability. If natural gas is not available to the site, would likely go with sub-surface propane gas systems.

Chairman opens floor to the audience for comments either in support or opposition to the application. The following members of the audience addressed the Board:

- Pat Terrell-Holt addressed the Board and explained that she owns the lumber yard at 145 Runnell's Bridge Road, Hollis, NH. She has safety concerns with fencing due to her business and children who will live in proposed development. Does not think vegetation fencing would be sufficient. Would like a high, chain link fence from Nashua Road to back of property. Town Counsel comments that fence could be on the state line, but that the ZBA has no authority to put a fence on the

property. Selectman, Lyndon Johnson, commented that this is a viable safety concern. Attorney Talerma responded that this is a reasonable issue to be addressed. Mrs. Holt further commented that the fence could be on the Massachusetts's line. Attorney Talerma responded that if a fence is absolutely required, he would like to work with Mrs. Holt's business to see where the fence would need to go and how many concerns vegetated buffering could address. He further commented that they would like the chance to work this out with this abutter (Mrs. Holt). Applicant, Kevin Slattery, explained that he is more than happy to commit into the record now, that he will visit Mrs. Holt and look at the situation.

Board Member, Sherrill Rosoff, commented that the traffic study is dated 2004 and inquired if there is a more recent one. Mr. Peznola responded that this is the most recent traffic study from Mass Highway.

Discussion ensued regarding the following:

- Lighting.
- Number system for houses; lighted house numbers for emergency response purposes.
- Mr. Peznola commented that they will be proactive in getting comments from the Fire Department and Board of Health.

Town Counsel suggested the Board come up with a list of issues to have the developer address such as: Board of Health; Fire Department; Lumber Yard fencing design; Landscaping Plan and Buffer; Name of Limited Dividend Organization (LDO).

Mr. Peznola commented that there is a landscaping plan in the application, but they could refine it.

Selectmen Johnson expressed concern with continuing hearing and that he is confident Applicant will turn concerns around quickly.

The following list of concerns is to be addressed at continuation hearing:

- Lumber yard fencing
- Landscaping Plan and lighting, etc.
- Limited Dividend Organization (LDO)
- Update from Board of Health
- Coordinate with Fire Department
- Gas Line
- Overflow Parking

Sherrill Rosoff motioned to leave record and hearing open, and continue hearing to Wednesday, February 27, 2008 at 7:00P.M. Annette McLean seconds. All concur.

Old and New Business:

Sherrill Rosoff motioned to approve ZBA Meeting Minutes of December 12, 2007 as written. Annette McLean seconds. All concur.

Sherrill Rosoff motioned to adjourn the meeting. Annette McLean seconds. All concur.

Meeting Adjourned at 10:15P.M.

ZBA Minutes of January 16, 2008 filed with Town Clerk: February 25, 2008

Cheryl Lutcza
Assistant, Zoning Board of Appeals

cc: Town Clerk
Building Inspector
Robert Hanson, Town Administrator
ZBA Minutes file
ZBA Members
ZBA Application File – 07-393-Verizon-104A Townsend Street
ZBA Application File - 07-396-Emerson Village-196 Nashua Road